

REBUTTAL TESTIMONY
OF
NANCY B. WEBER

OFFICIAL FILE

I.C.C. DOCKET NO. 01-0662
ICC Staff Exhibit No. 25.0
Witness by Weber
Date 7/1/02 Reporter Kan

TELECOMMUNICATIONS DIVISION
ILLINOIS COMMERCE COMMISSION

ICC ON ITS OWN MOTION
INVESTIGATION CONCERNING ILLINOIS BELL TELEPHONE COMPANY'S
COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT
OF 1996

DOCKET NO. 01-0662 (PHASE 1)

MAY 20, 2002

1 Q. Please state your name and business address.

2 A. My name is Nancy B. Weber, and my business address is 160 North
3 LaSalle, Suite C-800, Chicago, Illinois, 60601.

5 Q. Are you the same Nancy B. Weber who previously testified in this
6 proceeding?

7 A. Yes.

9 **Q. What is the purpose of your Phase 1 rebuttal testimony?**

10 A. The purpose of my rebuttal testimony is to respond to the rebuttal
11 testimony of Ameritech Illinois (Company) witnesses Mark Cottrell and Jim
12 Ehr as they pertain to operations support systems ("OSS")

14 . My discussions of OSS pertain to
15 the requirements of checklist item 2 (access to UNEs)

20 Q. Please summarize your recommendations and findings?

21 A. Ameritech Illinois' line loss notification process was found to be
22 discriminatory in IL Docket 01-0160, therefore, this Commission has
23 already directed Ameritech Illinois to modify its line loss notification

24 process to correct the discriminatory behavior by July 1, 2002.
25 Additionally, in IL Docket 02-0160, the Commission required Ameritech
26 Illinois to modify performance measurement, MI 13, which reports its line
27 loss notification performance to measure the interval of time from the
28 completion of the disconnect to the time the loss notification is sent to the
29 losing carrier. Currently, performance measure MI 13 is not part of
30 Ameritech Illinois' tariffed remedy plan or its proposed 271 remedy plan
31 and I recommend that MI 13 become a remedied performance measure to
32 ensure that Ameritech Illinois not backslide on its performance in providing
33 line loss notifications to CLECs, once it has corrected all of the problems
34 associated with line loss notifications. In addition, I disagree with
35 Ameritech witness Ehr's position that the issues surrounding performance
36 measure, MI 13, should not be addressed in this proceeding and should
37 be handled only in the collaborative six month review process.

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52 **I. CHECKLIST ITEM 2 – ACCESS TO UNEs**

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54 **OSS: Loss Notifications**

55 **Q. Do you agree with Mr. Cottrell's viewpoint that the process used by**
56 **Ameritech Illinois' retail business units to obtain line loss**
57 **information does not result in Ameritech Illinois' retail business**
58 **operations receiving superior line loss information compared to what**
59 **CLECs receive.¹?**

60 **A. No. The Commission's Order in IL Docket 02-0160², dated May 8, 2002,**
61 **found that Ameritech Illinois' winback personnel use an enhanced line loss**
62 **notice that is generated at an earlier stage and contains more data fields**
63 **than is provided to CLECs on the 836 line loss notification³. Specifically,**
64 **the Order states that Ameritech Illinois violated four per se impediments to**
65 **competition as enumerated in Section 13-514 of the Public Utilities Act**
66 **(PUA)⁴. The Order states that since Ameritech Illinois' winback personnel**

¹ Ameritech Illinois Exhibit 4.1 (Cottrell) at lines 163-165.

² IL Docket 02-0160, Z-Tel Communications, Inc. vs. Illinois Bell Telephone Company (Ameritech Illinois), Verified Complaint and Request for Emergency Relief Pursuant to Sections 13-514, 13-515 and 13-516 of the Illinois Public Utilities Act. ("Z-Tel Line Loss Complaint Docket")

³ Z-Tel Line Loss Complaint Docket, Order at 17-19.

⁴ Id. at 15-16.

use an enhanced line loss notice, and that CLECs received late and inaccurate 836 line loss notifications: (1) Ameritech Illinois has unreasonably impaired the speed and quality of efficiency of services used by Z-Tel; (2) Ameritech Illinois' actions, or lack thereof, had an adverse effect on the ability of Z-Tel to provide service to its customers; and (3) Ameritech Illinois has unreasonably provided Z-Tel inferior and discriminatory access to OSS⁵.

Q. What corrective action has the Commission directed Ameritech Illinois to take as a result of its decision in Docket 02-0160 and in what timeframe is the Company required to accomplish these actions?

A. In Docket 02-0160, the Commission imposed the following requirements upon Ameritech Illinois, which specifically relate to the creation and delivery of line loss notifications⁶.

(1) Until such time as Ameritech provides CLECs the option of receiving an enhanced notice, Ameritech Winback personnel are directed to only use the 836 line loss notification transaction.

(2) Once Ameritech has in place a system where Z-Tel can choose between the 836 line loss notification transaction and/or a notice that is sent in the same timeframes and contains as much information as that currently sent to Ameritech's retail and Winback business units,

⁵ Id. at 16.

⁶ Id. at 19-20.

89 then Ameritech Winback may use the enhanced line loss notice again.
90 Ameritech is directed to make this option available to Z-Tel by July 1,
91 2002.

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93 **Q. Would the corrective action ordered by the Commission in Docket**
94 **No. 02-0160, when implemented by Ameritech Illinois, level the**
95 **playing field to allow CLECs to receive loss notification information**
96 **in substantially the same timeframe and manner as Ameritech**
97 **Illinois' retail winback unit?**

98 **A.** If Ameritech Illinois chooses to limit the implementation of the ruling to Z-
99 Tel Communications, then I would disagree. In my opinion, Ameritech
100 Illinois should extend the Commission ruling in Docket 02-0160 to all
101 CLECs. By providing all CLECs line loss notifications in the manner as
102 ordered by the Commission, then the playing field should be leveled, such
103 that all CLECs and Ameritech's winback and retail personnel would be
104 treated the same. Furthermore, it should ensure that CLECs won't
105 continue to experience the problems related to the untimely and
106 inaccurate line notifications that were addressed by the Commission in
107 Docket No. 02-0160.

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109 **Q. When will we know that all of Ameritech Illinois' loss notification**
110 **issues have been resolved for good?**

111 A. This question is difficult to answer with certainty. Mr. Cottrell has stated
112 that the line loss notification process is complicated, and that, in order for
113 Ameritech Illinois to be thorough in ensuring that all loss notifications are
114 sent accurately and in a timely fashion, an extensive amount of time and
115 resources is needed⁷. In my opinion, observing Ameritech Illinois' line loss
116 notification performance over time will indicate whether any of the current
117 problems persist. The line loss notification process will also require
118 continued monitoring from Ameritech Illinois to ensure that all problems
119 identified have been rectified, do not reoccur, and that new problems do
120 not arise.

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122 **Q. How much time should be given to monitor the loss notification**
123 **situation?**

124 A. Depending upon the timing of the second phase of this proceeding, I
125 believe it's reasonable to revisit Ameritech Illinois' line loss notification
126 performance in phase 2. If, by the beginning of the second phase of this
127 proceeding, the loss notification issue appears to continue to be
128 adequately addressed, and Ameritech Illinois has implemented the
129 changes the Commission ordered in Docket 02-0160, then I would expect
130 Ameritech Illinois to provide testimony to that effect in phase 2 of this
131 proceeding. If the accuracy and timeliness of Ameritech Illinois line loss
132 notices continues to be an issue for CLECs when the second phase

⁷ Ameritech Illinois Exhibit 4.1 (Cottrell) at lines 85-87.

begins then testimony should be provided by the CLECs to on the issue
and the topic would be reexamined.

**Q. Are there any recommendations that you made in your testimony
regarding performance measure MI 13 that Ameritech Illinois did not
respond to?**

A. Yes. In my testimony I state that performance measure MI 13, today is a
diagnostic⁸ performance measurement and that MI 13 should become a
remedied measure and be included in Ameritech Illinois' Performance
Remedy Plan⁹. I believe that Ameritech Illinois should make MI 13 part of
its remedy plan since MI 13 tracks line loss notifications, which the
Commission in Docket 02-0160 has determined that Ameritech Illinois'
performance in this area has enabled it to unreasonably impair the speed
and quality of efficiency of services of a competition, has had an adverse
effect on the ability of a competitor's ability to provide service to its
customers and has lead to CLECs receiving unreasonable or inferior and
discriminatory access to Ameritech Illinois OSS¹⁰. Thus, the Commission
should require Ameritech Illinois to include performance measurement MI
13 in its performance remedy plan in order to prevent backsliding by
Ameritech Illinois before making a recommendation of the Company's
compliance with the 271 checklist.

⁸ A diagnostic performance measure is one where Ameritech Illinois reports its results but the results do not have remedy payment amounts associated with it.

⁹ ICC Staff Exhibit 11.0 at lines 473-477.

¹⁰ Z-Tel Line Loss Complaint Docket, Order at 16.

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155 Q. How did Ameritech Illinois respond to your suggested modification
156 for performance measure MI 13, which would require Ameritech
157 Illinois to report on its performance in delivering line loss
158 notifications to its wholesale customers?

159 A. In his rebuttal testimony, Ameritech witness Ehr indicates that Ameritech
160 Illinois is willing to consider the proposal I made in my direct testimony,
161 with one modification. My proposal was to change the business rule for
162 performance measure MI 13 so the interval is measured from the
163 completion of the disconnect work (instead of from the generation of the
164 service order completion notice to the winning CLEC) to the time that the
165 loss notification is transmitted to the losing carrier. Mr. Ehr's suggested
166 modification is to increase the benchmark for the measurement¹¹.

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168 Q. Did the Commission's Order in IL Docket 02-0160 require Ameritech
169 Illinois to implement any changes for performance measure MI 13?

170 A. Yes, in its order in Docket 02-0160 the Commission found that MI 13, as it
171 currently exists, does not adequately measure Ameritech Illinois' line loss
172 notification failures. Therefore, the Commission required that Ameritech
173 Illinois redesign performance measure MI 13 to start the calculation of the
174 interval from the completion of the work to disconnect the account¹² as I

¹¹ Ameritech Illinois Exhibit 6.1 (Ehr) at lines 370-372.

¹² Z-Tel Line Loss Complaint Docket, Order at 24.

recommended in my direct testimony¹³. Therefore, although Ameritech Illinois witness Ehr has stated in his rebuttal testimony that Ameritech Illinois would consider the modification¹⁴, it should be noted that as of May 8, 2002 Ameritech Illinois was ordered by the Commission to make this modification in Docket 02-0160.

Q. What is your opinion of the suggestion by Mr. Ehr to increase the benchmark interval for performance measure MI 13?

A. The current benchmark interval defined for performance measure MI 13 is one hour. In my opinion, the benchmark interval should remain at one hour, regardless of the modification ordered by the Commission to measure the interval start time from the completion of the disconnect notice. However, it is my understanding that Ameritech Illinois uses a nightly batch process to generate its loss notifications therefore Ameritech Illinois has stated that it is not possible for it to keep the one hour benchmark interval for MI 13. Currently, performance measure 7.1 reports the percent of mechanized completion notices returned within one calendar day of work completion¹⁵, and the benchmark that Ameritech is required to meet for Illinois is 99% and 97% for the other states in the region. Since Ameritech Illinois is committed to provide notice to the

¹³ ICC Staff Exhibit 11.0 at lines 458-461.

¹⁴ Ameritech Illinois Exhibit 6.1 (Ehr) at line 378.

¹⁵ Id. Schedule 2 (IL performance measure and remedy tariff).

195 winning carrier¹⁶ within one calendar day of work completion, as it has in
196 performance measure 7.1, it is reasonable Ameritech Illinois would also
197 suggest that it provide notification to the losing carrier¹⁷ within one
198 calendar day of work completion. If the time interval for MI 13 is moved to
199 one calendar day, then Ameritech Illinois should be required to increase
200 the MI 13 benchmark percentage to 97% from the current level of 95%. A
201 losing carrier should receive notice in the same timeframe as the winning
202 carrier. The one calendar day interval and 97% benchmark has been set
203 for completion responses to CLECs when Ameritech Illinois' provisioning
204 work has been completed, since it's important for the winning carrier to
205 understand at what point it's responsible for providing service to an end
206 user. CLECs that lose an end user also need to know when they no
207 longer are the provider of record in situations when an end user calls and
208 asks for assistance. Once a carrier has lost an end user it can no longer
209 access Ameritech's OSS to view information about that end user or their
210 account information. In my opinion, both notifications (the completion
211 notification to the winning carrier and the line loss notification to the losing
212 carrier) are equally important to carriers, and therefore both notifications
213 should have the same interval set for their corresponding performance
214 measures and the same benchmark level. Ameritech Illinois should be
215 required to increase its benchmark for MI 13 from 95% to 97%, if

¹⁶ When an end user switches from one provider to another, the winning carrier is the carrier who the end user is switching to.

¹⁷ When an end user switches from one provider to another, the losing carrier is the carrier who the end user is switching away from.

216 Ameritech Illinois moves the time interval from one hour to one calendar
217 day.

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219 **Q. Do you agree with Mr. Ehr's characterization that the performance**
220 **measurement issue regarding MI 13 need not, and should not, be**
221 **resolved in this proceeding¹⁸?**

222 **A.** No, I do not. While I agree that the changes posed in this proceeding for
223 performance measure MI 13 are being discussed at the current
224 performance measurement six-month collaborative review meeting, I do
225 not think that the six-month collaborative review meeting is the only place
226 that performance measures can be determined. In Ameritech Illinois'
227 performance measurement tariff¹⁹ and as understood by the parties
228 involved in the six month collaborative review meeting, the only changes
229 made to performance measures during the six-month review meeting are
230 those changes where a consensus is reached among the parties. If there
231 is no agreement on an issue, then the parties have to take the disputed
232 issues to the Commission to resolve²⁰. Currently, the business rule
233 definition surrounding performance measure MI 13 is in dispute in the
234 collaborative six month review process. In my opinion, it is unlikely that
235 consensus will be reached in the six month review session, therefore, it

¹⁸ Ameritech Illinois Exhibit 6.1 (Ehr) at lines 373-376.

¹⁹ ICC Staff Exhibit 26.0 (Patrick), Schedule 26.01 (Ameritech Illinois Tariff No. 20, Part 2, Section 11, Performance Measurements) at sheet 3.

²⁰ Id.

makes sense to address the issue now in this proceeding since it appears that this issue will likely go to the ICC for resolution.

Q. Are there any other items related to Ameritech Illinois' OSS that you would like to highlight in your rebuttal testimony?

A. Yes. As previously stated in my direct testimony, if necessary, I will address other issues and concerns related to Ameritech Illinois' OSS during Phase 2 of this proceeding²¹. At this time there are many other known issues with Ameritech Illinois' OSS that I have chosen not to address in the first phase of this proceeding. It is my hope that Ameritech Illinois addresses these items before the second phase of this proceeding begins.

²¹ ICC Staff Exhibit 11.0 at lines 86-91.

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361 **Q. Does this conclude your rebuttal testimony?**

362 **A. Yes, it does.**